IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 2182 of 2007
Date of decision 12 .2.2007

Ali Husain .. petitioner

Versus

Financial Commissioner, Haryana and another Respondents

CORAM: HON'BLE MR. JUSTICE M.M. KUMAR
HON'BLE MR. JUSTICE RAJESH BINDAL

PRESENT: Mr.Roopak Bansal, Advocate for the petitioner

M.M.Kumar, J.

The petitioner has prayed for quashing order dated 20.7.2005 passed by the Collector, Sonepat (Annexure P.1), order dated 7.7.2006 (annexure P.2) passed by the Commissioner, Sonepat and order dated 6.11.2006 (Annexure P.3) passed by the Financial Commissioner. He has prayed for issuance of direction to the respondents to appoint the petitioner as Lambardar. The Collector in his order dated 20.7.2005 has appointed one Shri Virender Singh, respondent no.2 as Lambardar after weighing their comparative merits. It has been found that Virender Singh is literate and has agricultural land in the village. It has also been found that he is more popular than the petitioner, has contributed in the policies of the Government and is younger than the petitioner. The Collector also held that Virender Singh respondent no.2 can handle the work of Lambardar in a better way than the petitioner and is more meritorious. It is appropriate to mention that a vacancy has been caused on the position of Lambardar on account of the death of one Om Parkash which was filled by the order dated 20.7.2005 passed by Collector, Sonepat (Annexure P.1). The order of the Collector has been upheld by the Commissioner vide order dated 7.7.2006

(Annexure P.2) and by the Financial Commissioner vide order dated 6.11.2006 (Annexure P.3).

After hearing learned counsel at some length, we find that it is the duty cast on the Collector who is head of the revenue district to weigh the comparative merit of the candidates who have applied for the position of Lambadar. We also find that all relevant factors have been taken into consideration and after weighing their comparative merit, Virender Singh, respondent no2. has been rightly appointed . We say so because we cannot sit as a court of appeal over the orders of the respondent-authorities. It may be true that another officer in the position of Collector might have picked up the petitioner on the position of Lambardar on the basis of his own opinion but that cannot constitute a basis for us to substitute the same by our opinion. It is well settled that this Court would not substitute its own opinion to that of the authorities concerned unless glaring mistake apparent on the face of the record or violation of any mandatory provision has been pointed out. There is no such violation shown in the impugned order. The writ petition is wholly without merit and the same is dismissed.

(M.M.Kumar)
Judge

(Rajesh Bindal)
Judge

12.2.2007
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